

IN RE: PETITION FOR ZONING VARIANCE  
S/S Stillwater Road, 1725' W  
of Mace Avenue  
(113 Stillwater Road)  
15th Election District  
5th Councilmanic District  
Charles R. McDougall, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-301-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, Charles and Nancy McDougall, appeared and testified. Appearing in opposition to the Petitioners' request was Joseph Krajci, adjoining property owner.

Testimony indicated that the subject property, known as 313 Stillwater Road, consists of 0.23 acres, more or less, zoned D.R. 5.5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Northeast Creek. Testimony indicated that Petitioners purchased the subject property and an adjoining, improved property, known as 311 Stillwater Road, in November, 1991. The improved lot is the site of their current residence. Petitioners testified that the dwelling in which they currently reside is approximately 60 years old and in poor condition. The Petitioners are desirous of constructing a new dwelling on the unimproved property, which is only 50 feet wide, and renovating their existing dwelling for future sale. Petitioners testified that this partic-

ular development was established with 50-foot wide lots and that the proposed improvements would not adversely affect the surrounding community.

Joseph Krajci resides immediately adjacent to the subject property at 315 Stillwater Road. Mr. Krajci testified that he is opposed to the granting of this variance and believes that the subject lot should remain vacant. Mr. Krajci testified that the proposed improvements would result in a loss of privacy for him and would be an inconvenience to neighboring property owners during the course of construction. Mr. Krajci introduced a signed Petition indicating his and two of his neighbors' opposition to the granting of the variance.

The lot which is the subject of this hearing is part of an old community in Essex that was developed at a time when the B.C.Z.R. permitted an individual to construct a home on a lot with a width of only 50 feet. Therefore, most, if not, all, of the lots on Stillwater Road were originally laid out as 50-foot wide lots. In the opinion of this Deputy Zoning Commissioner, the relief requested meets the spirit and intent of the zoning regulations and should be granted. It should also be noted that any variance relief requested cannot be granted or denied on the basis of personal preference alone.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

- 3 -

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet, for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including, but not limited to, Findings No. 3 of the DEPRM comments submitted and attached hereto in which the Petitioners are required to direct all rooftop runoff from the

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proposed dwelling through downspouts and into drywells so as not to disturb adjoining properties.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 19, 1992, attached hereto and made a part hereof.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Department of  
Zoning Commission  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 9, 1992

(410) 887-4386

Mr. & Mrs. Charles R. McDougall  
311 Stillwater Road  
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE  
S/S Stillwater Road, 1725' W of Mace Avenue  
(313 Stillwater Road)  
15th Election District - 5th Councilmanic District  
Charles R. McDougall, et ux - Petitioners  
Case No. 92-301-A

Dear Mr. & Mrs. McDougall:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

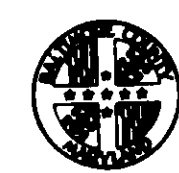
cc: Mr. Joseph Krajci  
315 Stillwater Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission  
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

LF110



**Petition for Variance**

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) THIS IS A ESTABLISHED NEIGHBORHOOD (WITH I HAVE LIVED MY ENTIRE LIFE) WITH ALL 50 FOOT WIDE LOTS. THIS I DO NOT BELIEVE I WILL BE AFFECTING THE DENSITY OF THE AREA. ALL THE EXISTING HOUSES LIVE IN 15-20 YEAR OLD YEARS IN BALTIMORE COUNTY. I WOULD WANT TO BUILD A SMALLER HOUSE MAKE MONEY WITH LESS INTEREST RATES.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

CHARLES R. McDougall

(Type or Print Name)

Signature

NANCY J. McDougall

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

ORDER RECEIVED FOR FILING

Date 4/9/92

By [Signature]

ESTIMATED LENGTH OF HEARING 1/2 HR. + 1HR.

AVAILABLE FOR HEARING MON./TUES. PM 2.00 - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DAG DATE

Zoning Description 92-301-A Item # 3/2

Beginning at a point on the South Side of Stillwater Road which is 50 feet wide at the distance of 785 feet west of the center-line of MACE AVENUE which is 50 feet wide. Being Lot #39 Section D in the subdivision of Back River Highlands as recorded in Baltimore County Plat Book 4 Folio 64, containing 10,000 square feet. Also known as 313 Stillwater Road and located in the #15 Election District.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15-20 Date of Posting 4/1/92  
Posted for: Variance  
Petitioner: Charles R. & Nancy J. McDougall  
Location of property: 313 Stillwater Rd, 1725' W of Mace Ave  
Location of Sign: 313 Stillwater Rd, 1725' W of Mace Ave  
Remarks: [Signature]  
Date of return: 4/1/92  
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, MD 21204 as follows:

Case Number: 92-301-A  
S/S Stillwater Road, 1725' W of Mac Avenue  
313 Stillwater Road  
15th Election District  
5th Councilmanic  
Petitioner(s): Charles R. McDougall and Nancy J. McDougall  
Hearing Date: Monday, March 23, 1992 at 9:00 a.m.

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
NJ32174 February 20

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2/20, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/20, 1992

THE JEFFERSONIAN,

S. Zeke Orlow  
Publisher

\$65.64

**Baltimore County**  
**Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 2/20/92

PUBLIC HEARING FEES: \$35.00  
OLD ZONING VARIANCE (FSL) \$35.00  
TOTAL: \$35.00

LAST NAME OF OWNER: MCDUGALL

04APR0106WCHRC \$35.00  
84 C01238PH02-04-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County**  
**Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 2/20/92

92-301

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**  
**Office of Planning & Zoning**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 2-28-92

Charles and Nancy McDougall  
311 Stillwater Road  
Baltimore, Maryland 21221

RE:  
CASE NUMBER: 92-301-A  
S/S Stillwater Road, 1725' W of Mac Avenue  
313 Stillwater Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Charles R. McDougall and Nancy J. McDougall

Dear Petitioner(s):

Please be advised that \$ 90.64 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE OFFICE SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 118, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**  
**Office of Planning & Zoning**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

FEBRUARY 25, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-301-A  
S/S Stillwater Road, 1725' W of Mac Avenue  
313 Stillwater Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Charles R. McDougall and Nancy J. McDougall  
HEARING: MONDAY, MARCH 23, 1992 at 9:00 a.m.

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County

cc: Charles and Nancy McDougall

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

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Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
NJ32174 February 20

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2/20, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/20, 1992

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zeke Orlow  
Publisher

\$65.64

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**  
**Office of Planning & Zoning**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

March 9, 1992

Mr. & Mrs. Charles R. McDougall  
311 Stillwater Road  
Baltimore, MD 21221

RE: Item No. 317, Case No. 92-301-A  
Petitioner: Charles R. McDougall  
Petition for Variance

Dear Mr. & Mrs. McDougall:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: March 9, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw

Enclosures

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**  
**Office of Planning & Zoning**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 4th day of February, 1992.

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Charles R. McDougall, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 21, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Reinecke Property, Item No. 308  
Lehner Property, Item No. 310  
Forthuber Property, Item No. 313  
McDougall Property, Item No. 317

In reference to the applicants' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM308/TXTROZ



Joseph Kraci 315 Stillman St. 20 2102







92-301-A

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

ESSEX

N.E.  
2-G

ITEM#  
317